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VIA ECF

Hon. Steven I. Locke
United States District Magistrate Judge, E.D.N.Y.
100 Federal Plaza, Courtroom 820
Central Islip, New York 11722

Re: FIBER-SHIELD INDUSTRIES INC., et al.
v. THE FABRICSHIELD, LLC, et al.
Case Number: 2:20-CV-06059

Subject: Motion to Compel for Plaintiff's failure to Produce Discovery

Your Honor:

Pursuant to Rule 37 of the Federal Rules of Civil Procedure and Your Honor's local individual rules, Defendant Scott Schleicher ("Defendant"), hereby moves the Court to compel Plaintiffs to produce documents and answer interrogatories. Plaintiffs have entirely failed to produce any documents requested in Defendant's First Set of Requests for Production of Documents and failed to provide answers to Defendant's First Set of Requests for Admission and Interrogatories. While the Defendant has already provided (in July) to the Plaintiff answers and documents to the Discovery they requested.

The below timeline is provided in support of this Motion to Compel Discovery

1. The court established March 15, 2024 as the date that discovery requests between the parties were to be served.
2. The court established April 19, 2024 as the date that discovery responses between the parties were due.
3. The parties exchanged the discovery requests on March 15, 2024.
4. Plaintiffs asked for a discovery response extension on April 1, 2024.
5. Defendant agreed and the court allowed an extension to June 18, 2024.
6. Plaintiffs asked for another extension on June 17, 2024, saying they needed a few more days until June 21, 2024.
7. Plaintiffs asked for yet another extension on June 21, 2024 until June 28, 2024.

8. Also, on June 21, Plaintiffs delivered a draft protective order that they said needs to be in place before discovery can be exchanged.
9. In the document is a provision for just about every business document to be "Attorney's Eyes Only" which is not acceptable as first, this is a case involving significant business issues and as such business people, like myself, must review the documents and second, as I am defending myself and am not an attorney, I must be allowed to review all of the discovery I have requested so I can adequately defend myself.
10. On June 26, 2024, Defendants emailed Plaintiffs' attorney asking for a call to discuss the Attorney's Eyes-Only provision. Plaintiffs' attorney did not respond.
11. On July 2, 2024, Defendants emailed Plaintiffs' attorney again asking for a call to discuss. Plaintiffs' attorney did not respond.
12. On July 8, 2024, Defendant submitted to the Plaintiffs' Attorney the discovery they requested with the documents marked as confidential, which is a reasonable classification. And again, requested a conversation about the Attorneys Eyes Only provision. Yet again, Plaintiffs' attorney did not respond.
13. Defendants have not heard anything from the Plaintiffs since June 21, 2024.
14. On July 15, 2024, your Honor held a status conference with all parties at which your Honor issued an Amended Scheduling Order (Docket #97) with a new date of September 13, 2024 to provide Responses to First Interrogatories and Document Demands.
15. On September 13, 2024, the Plaintiffs failed to produce any answers or documents that the Defendant had requested in Discovery. Plaintiffs have had Defendant's first set of discovery requests since March 15, 2024.
16. There have been no responses from Plaintiffs nor further contact since June 21, 2024.
17. It seems clearly evident to the Defendant that Plaintiffs do not want to provide the Discovery that the Defendant has requested and is just using this case to harass the Defendant and not really prosecute it.

Defendant respectfully requests Your Honor to approve this Motion to Compel as well as award Sanctions as Your Honor sees fit, including dismissal as a sanction under Rule 37(2)(A)(v). Defendant feels it is warranted due to the Plaintiffs' continued failure to comply with the discovery timelines established by this Court and continued failure to prosecute this case.

Respectfully Submitted,

/s/ Scott Schleicher

Scott Schleicher
Pro Se Defendant

CERTIFICATE OF SERVICE

I, Scott Schleicher, hereby certify that on Monday, September 16, 2024, I caused a true and correct copy of the foregoing Letter to the Honorable U.S. Magistrate Judge Locke to be filed and served via the Court's ECF system on all parties registered to receive notice and on the parties listed above in the manner indicated.

/s/ Scott Schleicher

Scott Schleicher
Pro Se Defendant